A

STATE

OF THE

Preſent Conſtitutions

OF

Dublin and *London*.

WITH SOME

OBSERVATIONS on a PAMPHLET, intitled, The

Preſent Conſtitution

OF THE

CITY of *DUBLIN*,

By a CITIZEN.

DUBLIN:

Printed in the Year, 1758.

A STATE OF THE Preſent Conſtitutions OF *Dublin* and *London*, &c.

THE divided State of the City of *Dublin* having induced many Perſons to enquire into the Cauſe thereof, and its Diſquiets appearing to them to ariſe from great Inequality in the Frame of its Conſtitution; the Regulation of ſo great a City, the Seat of the Court, and Chief reſiding Place of the Nobility and principal Gentry of this Kingdom, ſeemed a Matter not unworthy of Parliamentary Attention. As the Imperfections of one Government ſtrike moſt ſtrongly when placed neareſt to the Perfections of another, it was thought no improper Meaſure to examine whence the Peace and Freedom of *London* reſulted, which may be called a Number of Cities, and to conſider its Conſtitution, that ſuch Parts might be adopted in the Regulation of this City, as promiſed moſt fairly to redreſs the Grievances complained of, and remove

move the Grounds of Complaint. In the following Sketches of the Conſtitutions of thoſe two Cities, if it appears clearly that one is founded on Juſtice, and breathes nothing but Liberty; the the other is unequal, and leads to Oppreſſion; That in one City all Elections of Officers are in the many or their Repreſentative; that in the other every Thing is done by a few choſen by themſelves, and repreſenting only themſelves; If ſuch as have reſided in both will recollect that in *London*, Juſtice is diſtributed and Peace preſerved equally throughout; that in *Dublin*, Riots and maiming often go unpuniſhed, it will be needleſs to look for further Cauſe of Complaint or Neceſſity of Redreſs

The Author of a late Pamphlet, whoſe Ingeniouſneſs it would be uncandid to deny, has taken much Pains to prove that the Powers veſted in the ſeveral Parts of this Corporation flow from Charters, Uſage, or Rules which have the Force of Laws, and it is not intended to deny what can be proved ſo clearly. *Whence then*, he ſays, *this Cutcry againſt Aldermen? Enquire and you will find them unexceptionable as private Men, many diſtinguiſhed for Probity and Beneficence.* It is not againſt them as private Men, that the Complaint lies; it is not againſt the Powers of a Lord-Mayor, of Sheriffs, or of Juſtices of the Peace; but it is againſt that Conſtitution which makes Aldermen eligible by themſelves, and induces a Jealouſy among the People, which is too often confirmed by Facts, that they conſider themſelves not as the Servants of the People, but the People as the Slaves of the Magiſtrates; here without Impropriety, I may uſe the Words of a *London* Alderman on a very late Occaſion; *This, Sir, the Citizens of* London *are happily guarded againſt by the wiſe Form of Government eſtabliſhed in their City. They have no Occaſion to be jealous of any*

Power

Power that can be lodged in their Magiſtrates, becauſe they are all choſen by themſelves, and moſt of them liable to be removed at the End of the Year, if they render themſelves obnoxious to their Fellow Citizens.

The ingenious Author has indeed given another Cauſe for the Complaints ſo frequent in this City; *every Man, he ſays, would be Lord-Mayor, and every Man's Wife Lady-Mayoreſs; therefore by act of Parliament increaſe the Number of Aldermen to* 3000, *and let each Perſon elect himſelf.* As Lord *Verulam*, on a like Occaſion, ſaid to his Brother Judge, the Gentleman ſeems here to talk more for his own Amuſement, than the Conviction of honeſt Minds. He is too intelligent of the State of this City to be ignorant of the Conteſts at the Board, the Parties which at different Times have ſtruggled for and obtained the Government of this City, and the Names by which they have been diſtinguiſhed; the *Roſe Club*, and ſuch Names daily make Way for others that carry the ſame Signification; and, I mean it not as Offence, (for I have great Eſteem for many Gentlemen of the Board,) is there a Matter which may admit of Diſpute, concerning which the firſt Queſtion among the People is not, whether the C——s or the H——s have prevailed. So little Weight is Reaſon ſuppoſed to have in that Aſſembly; and ſo different is the Ground of the People's Complaint, from what is inſinuated.

The Gentleman ſays, *The Aldermen have had the Priviledge of electing the Lord-Mayor, and as an Alderman is in Courſe to be Lord-Mayor, it is expedient the Board ſhould have the ſole Privilege of electing Aldermen.* It may be, and certainly hath been expedient for them; but is it expedient for the People to be governed by a Set of Men who eaſily can and always do exclude from their

their Board every Perſon who will not previouſly engage to ſupport the Combination? He is fond of comparing the Conſtitution of the City and the grand Corporation of the Kingdom, and being well aware of the Difference, has accounted for the ſuperior Power of Aldermen in this City to that of the Lords in the Kingdom, by charging the City-Commons *who are uneducated Mechanicks, with Ignorance and untamed Paſſions*; and giving to the Aldermen *Prudence, Gravity, and Opulence*. If it be the Caſe that the Commons are ſuch ignorant, unlettered Perſons, it is I fear, owing to the preſent Conſtitution of the City, which gives ſo great Power to the Aldermen of appointing thoſe Commons, who on every Double-Return chuſe the Perſons leaſt pleaſing to the Gild which Returns them. If the Gentleman delights in Compariſons, let him take the Conſtitution of *London*, which is here annexed, and he may draw a beautiful Compariſon between the Freedom of that and the Common-wealth, in which he will meet no Clogs to interrupt him.

Says the Gentleman, It is the Wiſdom of our Policy to chuſe no Perſons to be Aldermen who have not firſt been Sheriffs, for *let me ſee a Man a Sheriff, and I will tell you what Kind of a Lord Mayor he will make*. Doubtleſs, a Gradation from a lower to a higher Office is the Way to Knowledge; and by the Plan propoſed, it is hoped, the Gradation would be the ſame as in *London*, where a Perſon is firſt made Alderman, and conſequently Juſtice of the Peace, and is afterwards elected to the higher Office of Sheriff, and if approved in theſe Trials, is laſt of all raiſed to the Dignity of Lord-Mayor, and often ſent to ſerve his Country in Parliament. I do not ſay that this Rotation is required either by Law or Charter in *London*. This Modus is preſcribed by

by Act of Council; for the Election of Officers in that City is by Law left at large in the Power of 7 or 8000 Perſons: But theſe Perſons, numerous as they are, yet are wiſe for themſelves, and very prudently ſay, Let me ſee a Man Juſtice of the Peace, and I will tell you what Kind of a Sheriff he will make. The People are not ſo mad as the Gentleman would repreſent them.

The Regulations propoſed, he ſays, *are intended to prevent Diſturbances. What Diſturbances? The Riots of the Ormond and Liberty Boys? We never had leſs Reaſon to complain.* If he will recollect, he will confeſs, that no later than 1755, during the Summer in which the Duke of *Devonſhire* reſided here, riotous Aſſemblies ſo infeſted the Streets of this City, that it was dangerous even to paſs *Eſſex-Bridge* at Ten in the Night; and an armed Force was ordered to patrol the Streets, and preſerve that Peace which the Civil Power neglected; an Example ſo dangerous, that had it been at the Peril of his Life, a *JANSEN* would not have permitted it.

Popular Elections are the great Objection on which the Gentleman principally builds that Part of his Pamphlet, which deſerves to be called Reaſoning; yet if he had conſidered, that not more than three Vacancies, at a Medium, can be ſuppoſed at the Board in the Space of two Years, and that in no Ward the Electors will much exceed 300; he would perhaps own that the Election of an Alderman would be attended with no more Difficulty than the Elections of Maſters and Wardens are every Year in the ſeveral Corporations.

But to leave this Pamphlet, which had been more pleaſing if ſometimes the Sparks of Anger had not flaſhed from its Author; ſeveral Thouſands have deſired a Regulation; one Regulation

was

was agreed to by the Commons laſt Seſſion; another was framed by the Council and aſſented to by the King; and during the laſt Summer, the Lord-Mayor, Aldermen, and Commons all agreeing that a Regulation was neceſſary, appointed a Committee to conſider the Manner of regulating. The Plan now propoſed has a Shew of Safety, the principal Changes being taken from a Government formed by the Wiſdom of Ages, and which for a Teſtimony of its Wiſdom, refers to the daily Happineſs of a Million of Perſons; yet as a better may be framed, it is hoped that Gentlemen will cooly conſider and propoſe ſuch Amendments as in their Wiſdom they ſhall think right. The City's Welfare is alone intended; if that be ſecured, it is indifferent by whom it is done, or by what Laws. Objections in ſuch Caſes always ariſe: ſome will complain that their Power is abridged, but if it be an Abridgment for the general Good, they ought to acquieſce. Others will object merely becauſe a Change is propoſed: but if the preſent Government is juſtly complained of, a Reformation is juſtly deſirable: And what Time can be ſo favourable as the Seſſion of a Parliament diſpoſed to examine diſpaſſionately, and the Vicegerency of a Nobleman deſirous to promote every public Good.

THE

THE

Conſtitution of Dublin.

EDWARD VI. firſt incorporated *Dublin* by the Stile of the Mayor, Sheriffs, Commons, and Citizens. The Title of Lord was ſince given to the Mayor; and the Corporation is now known by the Name of Lord-Mayor, Sheriffs, Commons, and Citizens.

Aldermen, who are ſuppoſed to have been from their Origin, a Body of Council to the Lord-mayor, as they ſtill continue to be, began in the Time of *Charles* I. to be named in Charters of further Grants made to the City, and the ſix ſenior were made Juſtices of the Peace, and of Goal-delivery. Now, by the firſt of *George* II. all who have paſſed the Mayoralty are Juſtices of the Peace, whether they have paſſed it by Fine or Service.

By a Set of Rules, which have the Force of Laws here, the Lord-mayor and Aldermen elect the Lord-mayor, Sheriffs, and City-Treaſurer, who are the greateſt Officers of the City. The Aldermen are not elected by the Freemen, but every Vacancy is filled by the Board itſelf; ſo that if all the Aldermen, excepting two or three were ſwept away by ſudden Sickneſs, thoſe two or three would have the filling of the Board, and that Board the Election of the firſt Officers in this City. The Rules before-mentioned were framed in the Time of *Charles* II. during the Vicegerency of the Lord *Eſſex*; a Time, indeed, when the Prevalence of Popery might apologize for Meaſures which cannot now be ſo well ſupported. The

Parliament gave the Force of Statutes to whatever the Lord Lieutenant and the Privy-council, during ſeven ſubſequent Years, ſhould ordain; and in that Time theſe memorable Rules for conſtituting an Oligarchy were framed. Had the Rules given the whole Power of the Corporation to one, they would have been as valid as now. Whether a Parliament can delegate their legiſlative Power, would admit of Argument; it ſeems contrary to the Principles of this Conſtitution; for, if they might give it to the Privy-council, they might give it to the Board of Aldermen; and if for ſeven Years, why not for 700?

That this City was originally divided into Wards, and the Care thereof given to the Aldermen, is evident from the Oath of an Alderman: But, at preſent, Aldermen preſide over no diſtinct Precincts of the City; but, together with the Lord-mayor, make one Part of, what is called, the Common-council of the City; and eight, with the Lord-mayor, make a Board or upper Houſe.

The lower Houſe is compoſed of two Sheriffs, the Sheriffs-peers, not exceeding forty-eight; and ninety-ſix Perſons choſen out of the different Guilds or Fraternities, which are in Number twenty-five; and theſe 146 Perſons are called the Commons, of whom 40 make a Houſe. Theſe two Bodies called by the general Name of the Common-council, do the Buſineſs of the City, the Commons having a Negative on the Acts of the Board.

The Common-council alſo exerciſes the Power of chuſing a Recorder, City Chaplain, Town-clerk, and other Officers, except the Lord-mayor, Sheriffs, and City-Treaſurer. And the Board of Aldermen claim, by what Authority is uncertain, that all Petitions ſhall be ſubmitted only to them, and, at their Diſcretion, ſent down to the Commons, or ſuppreſſed; ſo that the Commons only ſee ſuch Petitions as the Board thinks fit to ſend to them.

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The Commons are choſen by the Guilds triennially; but, even over theſe Elections, the Aldermen have great Power and Influence; for every Guild is obliged to return double the Number of its Commons, and the Board of Aldermen elect out of that double Number; and if the Return be not ſigned by the Maſter and Wardens of the Corporation making ſuch Return, the Board of Aldermen exerciſes a Power of ſetting aſide the Return, and chuſing from the Corporation or Guild at large; and nothing is better known than the ſecreting of a Warden, feigned Sickneſs, and other Ways to prevent ſuch ſigning of the Return.

The Citizens a 4th conſtitutent Part of this Corporation, formerly enjoyed a Power of ratifying the Acts of the Common-council in their Court of Darrein hundred, where all Acts were read to them by Order of the Lord-Mayor, and their Approbation or Diſapprobation, immediately followed; the form of reading is ſtill retained, but the Citizens are allowed no Voice there, for it is alledged that the Acts were read only for the ſake of Publication: Indeed in the preſent State of this City, ſuch Power in the Citizens would be attended with much Confuſion, but this only proves that the City now wants Regulation, not that the Citizens now want a Right to that Power.

By the new Rules, the Confirmation of the Elections of Lord-mayor, Sheriffs, Recorder, and Town-Clerk is veſted in the Lord Lieutenant or Regency, and the Privy-council: By which Means it is in the Power of the Court, ſhould the Court ever prove corrupt, to make whom they chuſe Mayor and Sheriffs of this City; for, as the Court conſtitute the Privy-council, and the Aldermen elect the Mayor and Sheriffs, nothing more is neceſſary than to win the Board

of Aldermen, or thirteen of that Board, to return Perſons agreeable to the Privy-council.

Charles II. ſeems ſo far to have approved the Spirit of theſe new Rules, that, when the City of *London* petitioned him for Pardon, after Judgment had been given againſt them, *that the King might ſeize their Liberties*, he promiſed them Pardon, on Condition that no Lord-mayor, Sheriff, Recorder, common Serjeant, Town-clerk, or Coroner, ſhould exerciſe his Office, till approved by him; and if he twice diſapproved their Choice of Mayor or Sheriffs, that he himſelf might chuſe them. To theſe, and other ſlaviſh Terms, they no ſooner ſlavishly ſubmitted, than he appointed a Lord-mayor and Sheriffs, to hold during Pleſure, diſplaced the Recorder, made ſixteen of his favourite Aldermen Juſtices of the Peace, degraded eight who were in the Country Intereſt, and appointed eight to ſupply their Places, and, a few Days after, made a new Lord-mayor during Pleaſure.

The Regulation of the Watch of this City is veſted in the Pariſhes; the Lighting of the City is, by Act of Parliament, in a private Family, and no City was ever worſe watched or lighted.

The Right of chuſing Members to ſit in Parliament is in the Body of Freemen at large, together with the Freeholders.

If any Man doubts whether this City wants Regulation, let him recollect the frequent Riots, the Suits at Law ſo long depending between the conſtituent Parts of the Corporation, the Complaints of Dilapidation of Cities Eſtates, and the miſerable Care of the City, and it is preſumed that he will doubt no longer.

The

THE PRESENT

Conſtitution of *London*.

LONDON, after a Variety of Charters, was incorporated, in the Time of *Edward* VI. by the Stile of the Mayor, and Commonalty, and Citizens of the ſaid City, which is its preſent corporate Name.

The Government of this City is intruſted chiefly to the Mayor, as the King's Lieutenant: But, for the better Government thereof, the City is divided into Wards; and, by an Aſſembly, called the Wardmote, a Perſon is choſen to be the Keeper, or ſubordinate Magiſtrate of that Diviſion or Ward, who is known by the Name of Alderman, a Title moſt honourable during the *Saxon* Monarchy, and therefore given to the firſt Governors, or little Kings of Counties: The Lord-mayor holds the Wardmote for this Election, takes the Poll and Scrutinies, and returns the Perſon elected, to the Court of Aldermen. The Electors of theſe Aldermen are the Houſholders of Houſes paying ten Pounds a Year, who have been in poſſeſſion twelve Months before the Election, who pay Scot to the Church, to the Poor, to the Orphans, to the Scavenger, and to the Rates for the Watch; and who bear their Reſpective Lots; every Perſon firſt ſwearing that he is a Freeman of *London*, and an Houſholder in the Ward of——, and hath not polled before at that Election. To the ſame Perſons belongs the Right of chuſing Common-council-men out of their reſpective Wards; and the Aldermen and Common-council-men, ſo choſen, have not only the Government and Direction of their reſpective Wards, but make alſo Parts of the great Common-council of the City, where they act ſometimes as two diſtinct Bodies, ſometimes as one united Body.

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The Freemen are divided into Fraternities, or Companies of different Trades or Myſteries, of which a certain Number is choſen, who are called Livery-men, and a Member of a Company may be appointed a Livery-man, who is not a Freeman of the City.

Aldermen and Common-council-men being thus conſtituted by the Wards, and Livery-men by the Companies, the Right of electing the Lord-mayor and Sheriffs is veſted in the Lord-mayor, Aldermen, Common-council-men, and Liverymen; and any fit able Perſon is eligible to theſe Offices: But the prevailing Cuſtom is, the Livery-men nominate the two Senior Aldermen under the Chair, and the Court of Aldermen elect the Senior of theſe two; and upon the Election of Sheriffs, all the Aldermen, who have not ſerved the Office of Sheriffs, are firſt put in Nomination to be choſen by the Common-hall, (conſiſting of Lord-mayor, Aldermen, Common-council-men, and Liverymen.) If none of theſe are elected, the Lord-mayor may nominate nine fit and able Freemen to the Liverymen; if none of theſe are choſen, or, being choſen, diſcharge themſelves by Fine, then any two or more Liverymen may nominate one or more Perſons to the Office of Sheriffs, to be choſen by the whole Body at large.

Beſides the Power of electing Mayor and Sheriffs, the Liverymen have the Right of voting at the Elections of Chamberlain, Bridge-maſter, Auditor of the Accompts of the Chamberlain and Bridge-maſter, and Members to ſit in Parliament; and ſuch Elections are called, Elections by the Livery, becauſe the Liverymen ſo greatly exceed in Number all the other Voters; Six-thouſand Liverymen being ſometimes polled.

The City has a Common-council, which conſiſts of the Aldermen with the Lord-mayor at their Head, and the Commoners or Common-council-men choſen from the different Wards, who

who are in Number two-hundred and thirty-ſix; and no Act, Order, or Ordinance can be made in Common-council without the Aſſent of the Mayor and Aldermen preſent, or a major Part of them: Nor without the Aſſent of the Commons preſent, or a major Part of them: So that the Mayor and Aldermen have a Negative on all the By-laws for the Government of the City; on all Acts concerning the iſſuing and diſpoſal of the City Treaſure, and the City Seal whereby their Lands and other Eſtates are diſpoſed; and on all Acts, except the Appointment of certain after-mentioned Officers. But though the Aldermen have a Negative on the Acts of the Commons, yet it has been ruled in the Common-council, that the Court of Aldermen have not the Power of putting a Negative on the framing of a Queſtion which they once maintained; but every Queſtion muſt be put, that it may be known who are of this Opinion and who of the contrary. As to all Acts, Orders, or Ordinances, the Court of Aldermen and the Commons *are two diſtinct Bodies or Houſes.*

The Election, Nomination, or Appointment of the Common-ſerjeant, Town-clerk, Judges of Sheriffs-court, Coroner, Common-cryer, Commiſſioners of Sewers, and the Governor and Aſſiſtants of *London* of the new Plantation of *Ulſter* in *Ireland*, is made by the Mayor, Aldermen and Commons, in Common-council aſſembled, *as one Body*, or by a major Part of them.

Beſides the Powers already mentioned, the following are annexed to the different Parts of this Conſtitution.

The Lord-mayor is Eſcheator, Clerk of the Markets, Bailiff and Conſervator of the Water of the *Thames*, Meaſurer of Coals, Grain, Salt and Fruits, and has the Power of convening and diſſolving common Halls for the Elections of Lord Mayor, Sheriffs, and ſome other public Officers.

The Mayor and Aldermen are empowered to aſſign

aſſign two Aldermen and twelve diſcreet Commoners to ſit in the Court of Requeſts or Guild-hall, and hear and determine, according to Conſcience, all Matters of Debt not amounting to forty Shillings, any three making a Court. The Election of a Recorder is alſo given to the Lord-Mayor and Aldermen.

The Mayor, Recorder, and all the Aldermen, are Juſtices of the Peace; and all, or any four of them, (the Mayor, Recorder, or any Alderman, who has been Mayor, being of the Quorum) may ſit and adminiſter Juſtice in Guild-Hall. The Mayor, Aldermen, and Commons in Common-council preſcribe the Number of Lamps to lighten the City, the Places where they are to be fixed, and the Sums to be paid by every Ward.

The Alderman, with Advice of his Deputy and Common-council-men, or the major Part in each Ward, may contract for the Lamps, and the lighting of them, but can only contract for one Year.

The Alderman, Deputy, and Common-council-men, or the major Part in each Ward, lay on the Aſſeſſment.

The Court of Lord-mayor and Aldermen determine all Complaints concerning Aſſeſſments.

The Lord-mayor, Aldermen, and Commons in Common-council aſſembled, appoint the Number of Beadles and Watchmen for the ſeveral Wards of the City, their Time of watching and Wages, and the Number of Conſtables to attend in each Ward, and the Sums to be raiſed in each Ward.

The Alderman and Common-council-men of each Ward chuſe fit and able Watchmen, appoint their Stands, how often they ſhall go their Rounds, and make Orders for their Government, which are delivered to the Conſtables of the Precincts, and aſſeſs the Sums aſcertained by the Common-council of the City.

The Court of Lord-mayor and Alderman hear and determine Complaints concerning Aſſeſſments.

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